

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 22-9094-GW-MARx	Date	September 15, 2023
Title	<i>Moog, Inc. v. Skyryse, Inc., et al.</i>		

Present: The Honorable	GEORGE H. WU, UNITED STATES DISTRICT JUDGE
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Javier Gonzalez	None Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
None Present		None Present

**PROCEEDINGS: IN CHAMBERS - COURT'S RESPONSE TO JOINT REPORT
REGARDING MEET AND CONFER ON SEARCH TERMS AND REID
RAITHEL'S LAPTOP SET FORTH IN THE COURT'S ORDER AT
DKT. 611**

Attached hereto is the Court's Response to Joint Report Regarding Meet and Confer on Search Terms and Reid Raithel's Laptop Set Forth in the Court's Order at Dkt. 611.

Initials of Preparer JG

Moog Inc. v. Skyryse, Inc. et al; Case No. 2:22-cv-09094-GW-(MARx)

Court's Response to Joint Report Regarding Meet and Confer on Search Terms and Reid Raithel's Laptop Set Forth in the Court's Order at Dkt. 611

I. Background

On June 30, 2023, the Court issued its Final Ruling on Plaintiff/Counterdefendant Moog Inc.'s ("Moog") Motion to Enforce Compliance with the March 11, 2022 Stipulated TRO (Dkt. 25), and for Monetary and Adverse Inference Sanctions for Contempt and Spoliation. *See* Final Ruling on Plaintiff's Motion to Enforce Compliance, Docket No. 564. Among other things, the Court ordered Defendant/Counterclaimant Skyryse, Inc. ("Skyryse") to produce complete forensic images of Lori Bird and Reid Raithel's Skyryse-issued laptops. *See id.* at 11. In addition, the Court ordered Moog and Skyryse to meet and confer regarding search terms to run across Skyryse's Polarion Repository, Git Repository, and Google Drive Account folders. *See id.*

On August 11, 2023, the parties submitted a joint report regarding three outstanding issues: (1) the forensic image of Mr. Raithel's laptop; (2) the searchability (or lack thereof) of metadata within the Google Drive Account; and (3) Moog's list of 437 proposed search terms. *See* Docket No. 601. The Court held a hearing on August 24, 2023 to discuss these issues. *See* Docket No. 611. Prior to the hearing, the Court issued its thoughts on these unresolved disputes. *See id.* Following the hearing, the Court ordered the parties to meet and confer and attempt to "resolve the [Reid Raithel] computer and search term issues." *Id.* The Court set a status conference for September 18, 2023, and ordered the parties to file a joint status report by September 14, 2023. *Id.* The parties submitted a joint report regarding their meet and confer efforts to resolve the above issues on September 14, 2023. *See* Joint Report Regarding Meet and Confer on Search Terms and Reid Raithel's Laptop Set Forth in the Court's Order at Dkt. 611 ("September 14 Joint Report"), Docket No. 630.

II. Discussion

A. Reid Raithel's Laptop

Per the September 14 Joint Report, the parties have reached an agreement on Mr. Raithel's laptop. *See* September 14 Joint Report at 4-5. Skyryse will deliver Mr. Raithel's laptop to iDS by September 15, 2023 "for the limited purpose of having iDS create either a complete forensic image (if it is able to do so) or extract all of the logical files and folders from the laptop to a forensic image format, to the extent it is able to do so." *See id.* Therefore, at this point, the Court will not

order any further relief related to Mr. Raithel's laptop.

B. Google Drive Account

Next, at the August 24 hearing, the parties discussed the challenges of searching metadata within Skyryse's Google Drive Account. *See* Docket No. 611. Since the hearing, Skyryse and its e-discovery and forensics vendor, FTI, have arrived at an alternative solution whereby "FTI has collected log files that identify documents in Google Drive that have been created, modified, viewed, or accessed by individuals with Google Drive accounts." September 14 Joint Report at 6. The parties "have agreed that Skyryse will collect the documents identified in the logs for an agreed-upon list of individuals to allow for those documents, including their metadata, to be searched." *Id.* Skyryse then agreed to "run the agreed list of search terms across all these documents and their metadata and, assuming the resulting number of hits is reasonable, will perform a relevance and privilege review of the hits." *Id.* at 3; *see also* Ex. B at 8-10. Given the size of the data, FTI completed the collection of documents from the Google Drive log files on September 11 and began exporting and processing the data to Relativity, a document review platform. September 14 Joint Report at 7. However, the processing will not be complete until September 15 at the earliest. *Id.* Thereafter, FTI will run the search terms across the data. *Id.*

Accordingly, because the parties have found a solution that will enable Skyryse to search documents, including their metadata, collected from the Google Drive log files, the Court will not order any further relief related to searching metadata on Skyryse's Google Drive Account.

C. Search Terms

Based on the Court's review of the September 14 Joint Report, only one issue remains: the search terms that Skyryse will use to search the Google Drive documents exported to Relativity. *See id.* at 6. According to Moog, it has agreed to (1) withdraw the search term "Platform" from the Git and Polarion repositories, (2) withdraw the search terms "IO_" and "API_" from all repositories, and (3) narrow the search terms "Git" and "Jira" across all repositories. *Id.* at 3. Skyryse asserts that "[b]ased on [its] search of its entire Google Drive, Moog's remaining terms still returned an unreasonably burdensome more than 84,000 documents across Google Drive and Git." *Id.* at 6. Nevertheless, Skyryse "proposed to table the search terms dispute until the documents identified in the Google Drive log files could be exported into Relativity and searched" because "it is possible that the same set of search terms will yield fewer documents that need to be reviewed in Relativity," given that the subset of documents on the log files is smaller than the

number of documents in the entire Google Drive Account. *Id.* “Therefore, Skyryse proposed that once FTI completed exporting these documents into Relativity it would re-run both Moog’s and Skyryse’s proposed sets of search terms against those documents and the documents in the Git repositories and provide updated hit counts that both sides could evaluate.” *Id.* at 6-7.

The Court would find this approach to be reasonable. Therefore, the Court would order the following:

- Skyryse shall provide an updated list of search term hits to Moog by September 25, 2023;
- The parties shall meet and confer about those search term hit counts and attempt to resolve this last remaining issue; and
- Should any outstanding issues on certain search terms remain, the parties will file a final joint report by October 2, 2023, setting forth their respective positions. Based on the parties’ joint report, the Court will set a hearing, if necessary.

III. Conclusion

Based on the foregoing discussion, the parties should come prepared to discuss these issues and proposed solutions at the September 18, 2023 hearing.